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Charles K. Young
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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JAMAL, ALEXANDER	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/737,999
Filing Date: December 14, 2000
Appellant(s): WACHEL, ROBERT D.

Mark L. Watson (46322)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6-15-2006 appealing from the Office action mailed 1-12-2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US Patent to over De Bruycker et al (6272219)

US patent to of Alaimo et al. (6614811)

US Patent to Williamson et al. (6477249)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-16** rejected under 35 U.S.C. 103(a) as being unpatentable over De Bruycker et al (6272219), and further in view of Alaimo et al. (6614811) and further in view of Williamson et al. (6477249).

As per **claim 1**, De Bruycker discloses a method of providing a dsl and POTS service (ABSTRACT) comprising the step of connecting a communications line (DSL+ADSL Line in Fig. 6) to a chassis. A chassis is inherent to the PairGain Line card

75 (Fig. 6), and the Pairgain RT circuitry 40 for the purpose of physically supporting the card. The method further comprises providing a DSL service onto the communication line (Fig. 6) and providing a POTS service onto the communication line (Fig. 6). De Bruycker further discloses that each splitter (the one at the RT end and the one at the CO end) may be respectively integrated into the circuitry at the RT and CO sides (Col 4 lines 5-65). DeBruycker further discloses a splitter module 60 (Fig. 5) that separates and combines the DSL signals from the POTS signals. He also discloses that the splitter module may be implemented as a separate module (that inherently comprises a circuit board for the purpose of holding the circuit components) that may couple directly to the backplane (on the backside wire-wraps pins for example) (Col 4 lines 45-67). De Bruycker further discloses that the remote splitter may be a separate connector module (Col 4 lines 5-20). However, De Bruycker does not specify using a first circuit board in the chassis for implementing the DSL service, and a second circuit board in the chassis to implement the POTS service, and further that the separate splitter circuit board comprises passive components.

Alaimo teaches the use of a modular, multi-service telecommunications access device that utilizes separate peripheral cards (ABSTRACT, Figs. 2,3) that may be inserted into a chassis and connected via a backplane (Col 3 lines 45-62) (Col 4 lines 30-45). He teaches that there is a need for the access devices to be flexible to that individual businesses may configure and use the device for a number of applications (Col 1 lines 44-63). It would have been obvious to one of ordinary skill in the art at the time of this application to implement the POTS and DSL services disclosed by De Bruycker as circuit

cards (ie. a first and second card) in a multiservice, configurable shelf like the one disclosed by Alaimo for the advantage of providing flexibility and expandability in adding or changing services to the subscribers.

Williamson discloses a communications signal splitter (using high-pass and low-pass filters) for use with ADSL and POTS traffic (ABSTRACT). He further teaches that the splitter is implemented with passive components and that passive components minimize power consumption are small and can be made cheaply (Col 3 lines 15-25). It would have been obvious to one of ordinary skill in the art at the time of this application to implement passive filters for the splitters for the purpose of minimizing power consumption and allow for small and cheap construction of the splitters.

As per **claim 6**, it is rejected for same reasons as claim 1 rejection.

As per **claim 14**, it is rejected for same reasons as claim 1 rejection. Additionally, Alaimo discloses that the circuit boards used in the shelf may be hot-swappable (Col 2 line 22-30).

As per **claims 2-4**, the claims are rejected for same reasons as claim 14 rejection.

As per **claim 5**, De Bruycker discloses that the splitter comprises a low pass filter to filter out the first signals used to provide the DSL (ADSL in De Bruycker's disclosure) service and a high pass filter to filter out the second signals used to provide the POTS service (DSL in De Bruycker's disclosure) (Col 3 lines 33-67).

As per **claim 7**, De Bruycker discloses that the splitters may be mounted on the wire wrap pins of a backplane (Col 4 lines 45-67). This would make the backplane a midplane with the DSL and POTS (ADSL and DSL) boards plugged into the main side of the midplane and the splitter (comprising the passive components) boards (transition boards) plugged into the second side of the midplane board.

As per **claim 8**, Alaimo discloses that the circuit boards used in the shelf may be hot-swappable (Col 2 line 22-30).

As per **claim 9**, A network data line (comprising DSL and ADSL signals) is attached to the splitter (transition) board as seen in De Bruycker Fig. 5.

As per **claim 10**, De Bruycker discloses that the splitter comprises a high pass filter to provide the DSL (ADSL in De Bruycker's disclosure) service and a low pass filter to provide the POTS (SLIC signals) service (DSL in De Bruycker's disclosure) (Col 3 lines 33-67).

As per **claim 11**, De Bruycker discloses that the splitter module (comprising high and low pass filters) may be implemented as a separate module (that inherently comprises a circuit board for the purpose of holding the circuit components) (Col 4 lines 37-67). Hence the splitter module would be a transition board.

As per **claim 12**, De Bruycker discloses that the splitters (transition boards) may be mounted on the wire wrap pins of a backplane (Col 4 lines 45-67). This would make the backplane a midplane with the DSL and POTS (ADSL and DSL) boards plugged into the main side of the midplane and the splitter boards (transition boards) plugged into the second side of the midplane board.

As per **claim 13**, Alaimo discloses that the circuit boards used in the shelf may be hot-swappable (Col 2 line 22-30).

As per **claims 15 and 16**, De Bruycker discloses that the splitters (transition boards) may be mounted on the wire wrap pins of a backplane (Col 4 lines 45-67). This would make the backplane a midplane with the DSL and POTS (ADSL and DSL) boards plugged into the main side of the midplane and the splitter boards (transition boards) plugged into the second side of the midplane board.

(10) Response to Arguments

As per appellant's arguments (pages 6-7) that De Bruycker, Alaimo, and Williamson do not disclose the elements of claim 1, examiner contends the references do disclose appellant's claims as per the rejections above.

As per appellant's arguments (page 8) that the examiners final office action states that De Bruycker does not specify using circuit boards, examiner disagrees, and refers to the rejections of claims 1,6,14 above. Examiner stated that "De Bruycker does not specify using a first circuit board in the chassis for implementing the DSL service, and a second circuit board in the chassis to implement the POTS service". Furthermore, as per appellant's argument that De Bruycker and Alaimo do not disclose circuit boards, examiner disagrees. Examiner reads a circuit board as any device used to mount, support and connect the circuit components used for each 'peripheral card'. Examiner notes that

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Alaimo teaches the use of modular circuit boards used in a chassis, and De Bruycker discloses the use of the modular splitter unit that may be mounted to a CO chassis.

As per appellant's arguments (pages 9) that De Bruycker, Alaimo, and Williamson do not disclose 'splitting' the combined POTS/DSL signals into separate circuit cards, examiner notes that De Bruycker discloses a multi-service shelf with a 'splitter' module 60 (Col 4 lines 5-65, Fig. 5) in order to split the signals to the various cards and services in the shelf.

As per appellant's arguments that there is no motivation to combine the prior art references, examiner contends that the motivations cited in the rejections above are sufficient motivation to combine.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Alexander Jamal

Conferees:

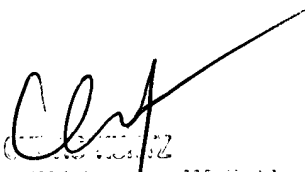
Curt Kuntz

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ
February 26, 2007



Alexander Jamal
Patent Examiner
Art Unit 2614



SINH TRAN
SUPERVISORY PATENT EXAMINER